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OPENINTERNETCOALITION.COM

March 9, 2009

Ms. Anna Gomez
Deputy Assistant Secretary
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Deputy Assistant Secretary Gomez:

The Open Internet Coalition (“OIC”)¹ strongly supports the provisions of the Broadband Technology Opportunities Program (“BTOP”) included as part of the American Recovery and Reinvestment Act (“Stimulus Act”), which was signed into law by President Obama on February 17, 2009.

The OIC and its coalition partners had urged Congress to include broadband infrastructure grants as part of the stimulus legislation in order to provide high speed Internet access to unserved areas of the country and stimulate job creation. We also urged Congress to ensure that grant recipients adhere to common-sense openness principles. The BTOP incorporates these goals.

Among other things, the Stimulus Act specifically states that the purpose of the BTOP is to (1) provide improved access to broadband service to consumers residing in unserved areas and (2) stimulate the demand for broadband, economic growth, and job creation.²

In addition, the Stimulus Act requires the Assistant Secretary of the National Telecommunications and Infrastructure Administration (“NTIA”) to publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants.³

We would like to emphasize our enthusiastic support for this common-sense notion that grant recipients must adhere to openness principles. The new networks must be open to all speech and commerce to maximize the social and economic utility of the infrastructure.

¹ The Open Internet Coalition works with consumer groups, grassroots organizations, Internet and technology companies, and educational institutions. A list of coalition participants can be found at www.openinternetcoalition.org.

² Public Law 111-5, Section 6001(b)(1) and (b)(5).

³ *Id.* at Section 6001(j).

The BTOP language instructs the NTIA to make sure that publicly-funded networks are open. The open character of the Internet marketplace is what has fed the engine of economic and job growth in the information, communications, and technology sector for over a decade.

In publishing the non-discrimination and network interconnection obligations, the Assistant Secretary should include the following parameters:

- Grant recipients must not provide or sell to Internet content, application, or service providers, any service that privileges, degrades, prioritizes, or discriminates against any lawful content transmitted over the grant recipient's Internet access service.
- Grant recipients must offer bandwidth for Internet service upon reasonable request, on rates, terms and conditions that are just, reasonable, and nondiscriminatory. The nondiscrimination condition should not be construed to prohibit a grant recipient from engaging in reasonable network management consistent with the principle of nondiscrimination.

In addition, the Open Internet Coalition urges you to consider the Free Press document entitled, "Putting the Angels in the Details: A Roadmap for Broadband Stimulus Success." This paper includes more suggestions on how the Administration can implement a successful broadband stimulus program.⁴

A well-managed grant program with strong accountability benchmarks will spur the development of broadband and wireless services in targeted areas impacted most severely by the economic downturn. The immediate job creation and medium-term multiplier effects will prove an important part of economic recovery.

We look forward to working with the Administration as it implements a well-conceived program.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Erickson", followed by a horizontal line.

Markham C. Erickson
Executive Director

Cc: Michael J. Copps, Acting Chairman
Federal Communications Commission

⁴ See http://www.freepress.net/files/Angels_in_the_Details.pdf.